IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WA.No. 2795 of 2007

AGAINST THE JUDGEMENT IN WPC.27121/2007 Dated 13/11/2007

APPELLANT/PETITIONER:

JOSE,
S/O.ACHUNNI,
PADINJARETHALA ANGADI,
PARAVATTANI,
THRISSUR.

BY ADV. SRI.JIJO PAUL

RESPONDENTS/RESPONDENTS:

1. THE SOUTH INDIAN BANK LTD.,
REGIONAL OFFICE,
THRISSUR,
REPRESENTED BY
ITS REGIONAL MANAGER.

2. THE RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL ERNAKULAM,
8TH FLOOR,
K.S.H.B. BUILDING,
PANAMPILLY NAGAR,
COCHIN-36.

3. C.K.GEETHA,
D/O.CHITHIRANJAN,
KAMBAVAN, ATHIRA,
PALLATH LANE,
THRISSUR-5.

BY SC FOR BANK SRI. K. PRABHAKARAN.
SR. P.A. AUGUSTINE.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26/11/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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WRIT APPEAL No.2795 of 2007

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Dated this the 26th day of November, 2007.

JUDGMENT

H.L.DATTU, CJ,

Petitioner in W.P.(C) 27121 of 2007 is the appellant in this appeal. He calls in question the correctness or otherwise of the orders passed by the learned Single Judge in W.P.(C) 27121 of 2007 dated 13th November, 2007.

2. In the writ petition filed, the petitioner had called in question the legality or otherwise of the orders passed by the Revenue Recovery Officer (Ext.P5) dated 12.6.2007. The learned Single Judge has rejected the writ petition. However, has granted time to the petitioner to quit and deliver vacant possession of the premises, which is in the occupation of the petitioner on or before 20th December, 2007 and has directed the petitioner to pay a sum of Rs.5000/- towards occupation charges within ten days from the date of the order.

3. After arguing the matter for quite sometime, Sri Jijo Paul, learned counsel appearing for the appellant, would submit that the appellant may be granted another two months' time to quit and deliver vacant possession of the premises, which is in the occupation of the appellant.

4. In our opinion, the request of the learned counsel for the appellant is reasonable and also fair. If the time sought for by the appellant is granted, no prejudice will be caused to anyone of the respondents.

5. In that view of the matter, without going into the further details of the case, the writ appeal can be disposed of by us with the following directions.

6. Accordingly, the following:

Order

i) The Writ Appeal is disposed of.

ii) The appellant is granted time till 20th February, 2008 to quit and deliver vacant possession of the premises, which is in his occupation, to the auction purchaser as directed by the learned Single Judge.

iii) The appellant shall pay a sum of Rs.5000/- as directed by the learned Single Judge within a month's time from today.

iv) The appellant is also directed to file an appropriate undertaking before this court within a week's time from today.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb.